

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|  |   |                             |
|--|---|-----------------------------|
| S. JAIN, for herself, and as parent of and for | ) |                             |
| her son "A", a minor,                          | ) |                             |
|  | ) | Case No. 1:17-cv-0002       |
| Plaintiff,                                     | ) |                             |
|  | ) | Hon. Ronald A. Guzmán,      |
| vs.  | ) | Judge Presiding,            |
|  | ) |                             |
| BUTLER SCHOOL DISTRICT 53, <i>et al.</i> ,     | ) | Hon. Sidney I. Schenkier,   |
|  | ) | Magistrate Judge Presiding. |
| Defendants.                                    | ) |                             |

**MOTION FOR LEAVE TO FILE AN ADDITIONAL APPEARANCE  
and  
LEAVE TO FILE RESPONSE TO ATTORNEYS', RICHARD P. CARO  
and FREDERICK R. HARBECKE, MOTIONS TO WITHDRAW**

**NOW COMES** the plaintiff, S. Jain, for herself, and as parent of and for her son "A", a minor, by her attorneys, Muslin & Sandberg, through Craig M. Sandberg, moves this Honorable Court, pursuant to FED. R. CIV. P. 9 and 74, and LR83.17 of the Local Rules of the United States District Court for the Northern District of Illinois, for leave to file an "additional" appearance on behalf of the plaintiff, as well as leave to file response to Attorneys Caro and Harbecke motions to withdraw. In support thereof, the plaintiff states as follows:

1. Currently, the following attorneys have filed appearance on behalf of the plaintiff: (1) Richard Peter Caro (DE 3); and (2) Frederick Rahn Harbecke (DE 39).<sup>1</sup>

2. Attorney Caro's appearance (DE 3) was filed the first day after filing the original complaint (DE 1), namely, January 3, 2017.

3. Attorney Harbecke's appearance was filed almost three (3) months later (April 3, 2017) (DE 39). Although Attorneys Caro and Harbecke are not of the same firm, Attorney Harbecke did not move for leave to file, pursuant to LR83.17, his "additional" appearance.

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<sup>1</sup> Citations made to the docket will be denoted as "DE \_\_\_\_."

4. On September 22, 2017, Attorney Caro filed his motion to withdraw as counsel of record (DE 150-51).

5. On September 26, 2017, Attorney Harbecke filed his motion to withdraw as counsel of record (DE 155-56).

6. Rule 83.17 of the Local Rules of the United States District Court for the Northern District of Illinois states, in pertinent part, as follows:

“An attorney who has filed an appearance form pursuant to LR83.16 is the attorney of record for the party represented for all purposes incident to the proceeding in which the appearance was filed. The attorney of record may not withdraw, nor may any other attorney file an appearance on behalf of the same party or as a substitute for the attorney of record, without first obtaining leave of court, except that substitutions or additions may be made without motion where both counsel are of the same firm....”

LR83.17.

7. No party and no one will be prejudiced by granting this motion.

**WHEREFORE**, the plaintiff, S. Jain, for herself, and as parent of and for her son “A”, a minor, respectfully requests this Honorable Court grant her motion and grant Attorney Craig M. Sandberg leave to file his “additional” appearance in this matter on behalf of the plaintiff, as well as leave to file response to Attorneys Caro and Harbecke motions to withdraw.

Date: October 3, 2017

Respectfully submitted,

MUSLIN & SANDBERG

By: /s/Craig M. Sandberg  
CRAIG M. SANDBERG  
19 S. LaSalle Street, Suite 700  
Chicago, Illinois 60603  
(312) 263-7249 – Tel.  
(312) 263-8193 – Fax  
craig@muslin-sandberg.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that in accordance with FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF), the following document(s):

- 1. Motion for Leave to File an Additional Appearance and Leave to File Response to Attorneys', Richard P. Caro and Frederick R. Harbecke, Motions to Withdraw.**

were served pursuant to the district court's ECF system as to ECF filers.

By: /s/Craig M. Sandberg  
CRAIG M. SANDBERG